

## Message Text

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ACTION STR-04

INFO OCT-01 IO-13 ISO-00 STRE-00 AF-06 ARA-06 EA-07 EUR-12

NEA-10 FEA-01 AGR-05 CEA-01 CIAE-00 COME-00 DODE-00

EB-07 FRB-03 H-02 INR-07 INT-05 L-03 LAB-04 NSAE-00

NSC-05 PA-01 AID-05 CIEP-01 SS-15 ITC-01 TRSE-00

USIA-06 PRS-01 SP-02 OMB-01 OIC-02 /137 W

----- 032080

R 121408Z APR 76

FM USDEL MTN GENEVA

TO SECSTATE WASHDC 1387

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PASS STR FOR ACTION

E O 1165 : N/A

TAGS: ETRD MTN

SUBJECT: REPORTING PROCEDURES FOR BILATERAL CONSULTATIONS

REF: STATE 084139

1. PARA 2 BELOW IS TEXT OF PROPOSED LETTER TO HEAD OF ECDEL (LUYTEN) ON REPORTING PROCEDURES FOR BILATERAL CONSULTATIONS, DRAFTED IN LIGHT STARKEY'S CONVERSATIONS HERE (REFTEL). WOULD APPRECIATE CONFIRMATION THIS FORMULATION ACCEPTABLE TO U.S. BEFORE WE SEND IT TO LUYTEN.

2. BEGIN TEXT THIS RELATES TO REPORTING PROCEDURES FOR BILATERAL CONSULTATIONS.

I AM QUOTING BELOW THE TEXT OF PARAS 3 AND 4 OF THE TNC CHAIRMAN'S SUMMING-UP: (TEXTS FROM MTN/W/24 WILL BE INSERTED HERE.)

WE HAVE JOINTLY WORKED OUT A MUTUALLY-ACCEPTABLE PROCEDURE TO IMPLEMENT THE SECOND OF THE THREE PROBLEMS CITED

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BY THE TNC CHAIRMAN IN PARA 3 QUOTED ABOVE; I.E., THE

PROCEDURE FOR COMMUNICATION OF REPORTS ON THE WORK OF GROUPS AND SUBGROUPS (REFERENCE MY LETTER TO YOU DATED FEB 6 AND YOUR REPLY DATED FEB 19, 1976). THIS PROCEDURE SEEMS TO BE WORKING WELL WITH A MINIMUM OF PAPERWORK AND SEEMS QUITE NEUTRAL IN THAT OUR RESPECTIVE POSITIONS ON THE UNDERLYING SUBSTANTIVE-PROCEDURAL PROBLEM ARE NOT PREJUDICED ONE WAY OR THE OTHER.

WE HAVE NOT, HOWEVER, ADDRESSED OURSELVES TO REPORTING ON BILATERAL CONSULTATIONS.

I NEED HARDLY REMIND YOU THAT THE TNC CHAIRMAN'S SUMMING-UP WAS A NEGOTIATED TEXT WORKED OUT BETWEEN OUR TWO DELEGATIONS. THE LAST SENTENCE OF PARA 4 OF THE CHAIRMAN'S SUMMING-UP NOTES THAT IT IS '...IMPORTANT....THAT INFORMATION REGARDING CONSULTATIONS IS IMMEDIATELY COMMUNICATED TO ALL GROUPS.' IT SEEMS TO ME IT IS A PRACTICAL IMPOSSIBILITY TO COMMUNICATE INFORMATION IMMEDIATELY TO ALL GROUPS UNLESS THERE ARE WRITTEN REPORTS ON SUCH CONSULTATIONS WHICH CAN BE COMMUNICATED; IN THE ABSENCE OF WRITTEN REPORTS ON BILATERAL CONSULTATIONS, PARA 4 OF CHAIRMAN'S SUMMING-UP COULD ONLY BE IMPLEMENTED BY CONVENING FORMAL MEETINGS OF ALL GROUPS IMMEDIATELY UPON THE CONCLUSION OF ANY BILATERAL CONSULTATION CARRIED OUT UNDER THE AUSPICES OF ANY GROUP. NEITHER OF US, I SUGGEST, WOULD WANT THIS AND IN ANY EVENT IT WOULD BE IMPOSSIBLE TO ARRANGE SIMPLY IN TERMS OF MEETING-ROOMS AND INTERPRETERS, NOT TO MENTION THE BURDEN ON THOSE SUMMONED TO HEAR AN ORAL REPORT OF UNCERTAIN INTEREST.

SO, IT SEEMS TO ME WE SHOULD SIMPLY ADAPT THE PROCEDURE WE HAVE ALREADY ACCEPTED WITH RESPECT TO THE COMMUNICATION BY THE CHAIRMEN OF GROUPS AND SUBGROUPS WITH RESPECT TO THEIR REPORTS AND APPLY THE IDENTICAL PROCEDURE WITH RESPECT TO WRITTEN REPORTS ON BILATERAL CONSULTATIONS.

IN PRACTICAL TERMS, I THINK THIS COULD TAKE THE FOLLOWING FORM: ASSUME THE U.S. AND EC DELEGATIONS IN FACT HAVE A BILATERAL CONSULTATION ON ONE OF THE 'OTHER' AGRICULTURAL PRODUCTS. IF WE AGREE AT THE END OF SUCH A CONSULTATION TO PREPARE A JOINT REPORT, WE WOULD SEND A BRIEF NOTE ABOUT THE CONSULTATION TO THE CHAIRMAN OF GROUP AGRICULTURE AND ASK THAT IT BE CIRCULATED IN THE GROUP AGRICULTURE DOCUMENT SERIES. WE THEN ARRANGE WITH THE SECRETARIAT (AS WE DID WITH THE REPORTS OF GROUP MEETINGS) TO HAVE THE CHAIRMAN OF LIMITED OFFICIAL USE

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GROUP AGRICULTURE SEND A NOTE TO THE CHAIRMEN OF ALL OTHER GROUPS SAYING 'I WISH TO BRING TO YOUR ATTENTION THE ATTACHED COPY OF A REPORT I RECEIVED FROM THE U.S. AND EC DELEGATIONS CONCERNING THEIR BILATERAL CONSULTATION ON PRODUCT X.' THE CHAIRMAN OF EACH GROUP, IN TURN, WOULD CITE EACH SUCH COMMUNICATION IN THE SAME WAY THEY NOW DO WITH RESPECT TO REPORTS OF GROUP AND SUBGROUP MEETINGS.

I THINK WE SHOULD ALSO ANTICIPATE AND PLAN FOR THE

POSSIBLE EVENT THAT WE MAY CONDUCT A BILATERAL CONSULTATION BUT NOT REACH AGREEMENT IN THE CONSULTATIONS AS TO THE GROUP OR SUBGROUP FRAMEWORK UNDER WHOSE AUSPICES SUCH CONSULTATION IS TAKING PLACE. I THINK THIS IS SUSCEPTIBLE TO A FAIRLY SIMPLE SOLUTION AS WELL. IF WE ENCOUNTER THIS KIND OF PROBLEM WE, FOR OUR PART, WOULD HAVE NO OBJECTION TO THE COMMUNITY SENDING ITS REPORT ON THE CONSULTATION TO WHATEVER GROUP OR SUBGROUP IT FEELS IS MOST APPROPRIATE WHILE WE WOULD RETAIN THE SAME OPTION. THERE WOULD BE ONLY A MINOR EXPENSE OF PAPER COSTS FOR DUPLICATE CIRCULATION OF AN IDENTICAL REPORT BUT, HOPEFULLY, SUCH INSTANCES WOULD BE RELATIVELY RARE AND THE EXPENSE SEEMS TO ME TO BE QUITE MINIMAL IN ANY EVENT.  
END TEXT CULBERT

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TRADE, MEETING REPORTS, NEGOTIATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 12 APR 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** saccheem  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976MTNGE02819  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D760138-0369  
**From:** MTN GENEVA  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19760472/aaaacyf.tel  
**Line Count:** 129  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION STR  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 STATE 84139  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** saccheem  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 10 MAY 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <10 MAY 2004 by woolflhd>; APPROVED <22 SEP 2004 by saccheem>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** REPORTING PROCEDURES FOR BILATERAL CONSULTATIONS  
**TAGS:** ETRD, MTN  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006